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LEO M BASCHY POBOX 129 COPPEROPOLIS, CA 95228			EXAMINER PHAM, LINH K	
			ART UNIT 2174	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Office Action Summary

Application No.

10/802,658

Applicant(s)

BASCHY, LEO MARTIN

Examiner

LINH K. PHAM

Art Unit

2174

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) 13-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 28-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date 05/13/08 and 11/07/06

DETAILED ACTION

1. This communication is responsive to the Amendment filed on 06/11/2008.
2. Claims 1-12 and 28-42 are pending in this application. In the instant Amendment, claims 13-27 were cancelled, claims 34-42 have been added, claims 1-3, 10, and 12 were amended, and claims 1 and 10 are independent claims. **This action is made Final.**
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

4. **Claims 1-5, 7-8, 36, and 38 are rejected under 35 U.S.C. 102(e)** as being anticipated by Hayes Jr. ("Hayes", US 6,205,476).

Regarding claim 1, Hayes discloses a graphical user interface for representing and facilitating user manipulation of persistent yet revocable access control settings for a resource comprising:

one or more display regions for graphical representations of access control settings for the resource (*Figs. 15-23; displaying one or more regions on the IBM window*) which result from transformations applied to the structured data which defines the access control settings for the resource (*col. 19, lines 12-48; Fig. 17; list 1720 shows all names of all applets that have been defined to the system and the permission status (permit or deny access) that is assigned to each*

applet for the group or subgroup (the current "context") that is selected in the left panel; col. 20, lines 65-67 to col. 21, lines 1-44; Fig. 24); and

one or more display regions for normal size, legibly scaled, unabridged representation of the content of the resource (*Figs. 13-22; showing one or more display regions; such as a content of resource is displayed on the left panel;*

wherein the set of display regions for representations of the access control settings and the display region for representation of the content of the resource are concurrently visible, are concurrently operable, and appear to the operator as in an integrated graphical user interface (*col. 18, lines 34-55; Fig. 15; the content of the resource is displayed on the left side pane and the applet permissions 1518*); and wherein the resource is a digital document (*col. 20, lines 37-64; Fig. 20-23; the information will be displayed on the right panel of the IBM window and the administrator can create new users and modify and delete existing users, as already discussed, without being in the context of a group or subgroup*).

Regarding claim 2, Hayes discloses the graphical user interface of claim 1, wherein one or more functions modify the spatial layout of the display regions for representations of the access control settings (*col. 20, lines 65-67 to col. 21, lines 1-28; Fig. 17 and Fig. 24*).

Regarding claim 3, Hayes discloses the graphical user interface of claim 1, wherein one or more functions modify the number of the display regions for representations of the access control settings (*col. 9, lines 56-67 to col. 10, lines 1-2; col. 11, lines 24-59; Fig. 5*).

Regarding claim 4, Hayes discloses the graphical user interface of claim 1, wherein one or more functions modify the transformations that are applied to the structured data (*col. 14, lines 32-64; Fig. 8*).

Regarding claim 5, Hayes discloses the graphical user interface of claim 1, wherein a user is graphically represented by a display element comprising, at least in part, a likeness of the user (*col. 14, lines 10-31; Fig. 8; a desktop object uses the applet information to build a folder for the applets and to generate a window displaying the icons and the user friendly name for each applet to which the user has access; Figs. 12-24*).

Regarding claim 7, Hayes discloses the graphical user interface of claim 1, wherein the set of display regions further comprises:

a display region for a graphical representation of a set of groups, users and roles and their respective access privileges as defined by existing structured data for the resource (*col. 8, lines 43-67 to col. 9, lines 1-52; Fig. 3; col. 10, lines 8-18; Fig. 4; Fig. 12-14*); and

a display region for a graphical representation of the result of transforming the set of groups and users and their respective access privileges into a corresponding set of individual users and their respective effective access privileges (*col. 6, lines 26-50*).

Regarding claim 8, Hayes discloses the graphical user interface of claim 1, further comprising a first display region for a graphical representation of at least one set of known users and groups (*col. 17, lines 59-67; Fig. 13; user group 1302 and users 1304*), wherein the operator can designate indicia for known users and groups and visually associate the designated indicia

with a second display region to change the structured data which defines the access control settings for the resource (*col. 18, lines 32-67; Figs. 15-16*).

Regarding claim 36, Hayes discloses the graphical user interface of claim 7, wherein a user is graphically represented by a display element comprising, at least in part, a likeness of the user (*col. 14, lines 10-31; Fig. 8; a desktop object uses the applet information to build a folder for the applets and to generate a window displaying the icons and the user friendly name for each applet to which the user has access; Figs. 12-24*).

Regarding claim 38, Hayes discloses the graphical user interface of claim 8, wherein a user is graphically represented by a display element comprising, at least in part, a likeness of the user (*col. 14, lines 10-31; Fig. 8; a desktop object uses the applet information to build a folder for the applets and to generate a window displaying the icons and the user friendly name for each applet to which the user has access; Figs. 12-24*).

Claim Rejections - 35 USC 103

5. **Claims 6, 37, and 39 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Hayes Jr. ("Hayes", US 6,205,476) in view of Steinberg (US 2002/0141639).

Regarding claim 6, Hayes teaches the graphical user interface of claim 5, but does not explicitly disclose the likeness comprises, at least in part, a digital photograph, processed by a method including at least one step selected from the set of: adjusting image color saturation toward a predetermined target saturation level; converting to grayscale; adjusting image

brightness toward a predetermined target brightness level; adjusting image contrast toward a predetermined target contrast level; adjusting image sharpness toward a predetermined target sharpness level; and masking with a shape selected from a set comprising ovals and outlines of a bust.

However, Steinberg teaches a method for automated image correction for digital image acquisition wherein the likeness comprises, at least in part, a digital photograph, processed by a method including at least one step selected from the set of (*para. 0001; method for transforming the colors in a digital image to a color corrected digital image*):

adjusting image color saturation toward a predetermined target saturation level (*para. 0004; paras. 0015-0016*) ;

converting to grayscale (*para. 0011*);

adjusting image brightness toward a predetermined target brightness level; adjusting image contrast toward a predetermined target contrast level (*paras. 0012-0014*);

adjusting image sharpness toward a predetermined target sharpness level (*para. 0031*); and masking with a shape selected from a set comprising ovals and outlines of a bust (*para. 0044*).

Therefore, it would have been obvious to an artisan at the time invention were made to combine the teachings of Steinberg with the method of Hayes in order to provide automated color correction for difference between the reference colors in a color chart and adjust for brightness and optimum contrast (*para. 0014*).

Regarding claim 37, Hayes teaches the graphical user interface of claim 36, but does not explicitly disclose the likeness comprises, at least in part, a digital photograph, processed by a method including at least one step selected from the set of: adjusting image color saturation toward a predetermined target saturation level; converting to grayscale; adjusting image brightness toward a predetermined target brightness level; adjusting image contrast toward a predetermined target contrast level; adjusting image sharpness toward a predetermined target sharpness level; and masking with a shape selected from a set comprising ovals and outlines of a bust.

However, Steinberg teaches a method for automated image correction for digital image acquisition wherein the likeness comprises, at least in part, a digital photograph, processed by a method including at least one step selected from the set of (*para. 0001; method for transforming the colors in a digital image to a color corrected digital image*):

adjusting image color saturation toward a predetermined target saturation level (*para. 0004; paras. 0015-0016*);

converting to grayscale (*para. 0011*); adjusting image brightness toward a predetermined target brightness level (*paras. 0012-0014*);

adjusting image contrast toward a predetermined target contrast level (*paras. 0012-0014*); adjusting image sharpness toward a predetermined target sharpness level (*para. 0031*); and masking with a shape selected from a set comprising ovals and outlines of a bust (*para. 0044*).

Therefore, it would have been obvious to an artisan at the time invention were made to combine the teachings of Steinberg with the method of Hayes in order to provide automated

color correction for difference between the reference colors in a color chart and adjust for brightness and optimum contrast (*para. 0014*).

Regarding claim 39, Hayes teaches discloses the graphical user interface of claim 38, but does not explicitly disclose the likeness comprises, at least in part, a digital photograph, processed by a method including at least one step selected from the set of: adjusting image color saturation toward a predetermined target saturation level; converting to grayscale; adjusting image brightness toward a predetermined target brightness level; adjusting image contrast toward a predetermined target contrast level; adjusting image sharpness toward a predetermined target sharpness level; and masking with a shape selected from a set comprising ovals and outlines of a bust.

However, Steinberg teaches a method for automated image correction for digital image acquisition wherein the likeness comprises, at least in part, a digital photograph, processed by a method including at least one step selected from the set of (*para. 0001; method for transforming the colors in a digital image to a color corrected digital image*):

adjusting image color saturation toward a predetermined target saturation level (*para. 0004; paras. 0015-0016*); converting to grayscale (*para. 0011*);

adjusting image brightness toward a predetermined target brightness level); adjusting image contrast toward a predetermined target contrast level (*paras. 0012-0014*);

adjusting image sharpness toward a predetermined target sharpness level (*para. 0031*); and masking with a shape selected from a set comprising ovals and outlines of a bust (*para. 0044*).

Therefore, it would have been obvious to an artisan at the time invention were made to combine the teachings of Steinberg with the method of Hayes in order to provide automated color correction for difference between the reference colors in a color chart and adjust for brightness and optimum contrast (*para. 0014*).

6. **Claim 9 is rejected under 35 U.S.C. 103(a)** as being unpatentable over Hayes Jr. ("Hayes", US 6,205,476) in view of Bhetanabhotla et al., ("Bhetanabhotla", US 2002/0167538).

Regarding claim 9, Hayes teaches the graphical user interface of claim 5, but does not explicitly disclose the first display region is reduced in size until activated by the user, and the first display region is increased in size upon activation.

However, Bhetanabhotla teaches a method comprising flexible organization of information using multiple hierarchical categories wherein the first display region is reduced in size until activated by the user, and the first display region is increased in size upon activation (*para. 0066; Fig. 1; the information item is displayed on the area content 130*).

Therefore, it would have been obvious to an artisan at the time invention was made to combine the teachings of Bhetanabhotla with the method of Hayes in order to provide users with a means to share information right from out of one's computer system while enforcing permissions and monitoring activities (*para. 0031*).

7. **Claims 10-11 and 28 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Hildebrand et al., (“Hildebrand”, US 2004/0103202) in view of Sekiguchi (US 6,711,687).

Regarding claim 10, Hildebrand teaches a graphical user interface for representing access log information and access control settings for a resource, wherein at least one display region contains a graphical representation of a set comprising one or more individual users, and wherein each of the individual users is graphically represented by a visual element which comprises:

the identity of the individual user having read privilege for the resource (*para. 0102; Fig. 2C.1; user A has read permission to the document; see also para. 0135 and Fig. 5B.1*); and a differing visual element for indicating if the user has write privilege for the resource (*para. 0138; Fig. 5B.1; users can be assigned to different access privileges; such as user A may be an executive or a branch supervisor who has all the access privileges to any secured documents, user B has limited access privileges while everyone in user group C shares the same access privileges*); and one or more of the following visual elements (*para. 0102; Fig. 2C.1; user D has read and write permissions to the document; see also para. 0135 and Fig. 5B.1*):

Hildebrand teaches all limitations as recited above, but does not disclose: the step of the time of the most recent read access by the user to the resource; time of the most recent write access by the user to the resource; indication whether the most recent write access by the user to the resource is the most recent write access by any user to the resource; indication whether the most recent read access by the user to the resource has been before the most recent write access by any user to the resource; and indication whether the user currently is without read privilege for the resource.

However, Sekiguchi teaches a security monitoring apparatus based on access log wherein representation of the time of the most recent read access by the user to the resource (*col. 5, lines 14-55; the security management unit 112 executes statistical process of the access log 201 to obtain security management information 203 which includes the most recent access to the document*);

representation of the time of the most recent write access by the user to the resource (*col. 5, lines 14-55*);

indication whether the most recent write access by the user to the resource is the most recent write access by any user to the resource (*col. 5, lines 14-55*);

indication whether the most recent read access by the user to the resource has been before the most recent write access by any user to the resource; indication whether the most recent read access by the user to the resource has been since the most recent write access by any user to the resource (*col. 5, lines 14-55*); and

indication whether the user currently is without read privilege for the resource (*col. 4, lines 6-19 and col. 5, lines 14-55*).

Therefore, it would have been obvious to an artisan at the time invention was made to combine the teachings of Sekiguchi with the method of Hildebrand in order to provide a security monitoring system that performs more powerful maintenance and management of security (*col. 2, lines 6-12*).

Regarding claim 11, Hildebrand and Sekiguchi teach the graphical user interface of claim 10.

Hildebrand further teaches wherein the set of individual users consists of: the set of users who have any access privilege at all for the resource (*para. 0135; Fig. 5B.1; user A has all access permissions, user B has only open and print permissions, and users in user group C have open, edit, write, and download permissions for the document*); and the set of users who have accessed the resource in the past although they currently are without any access privilege for the resource (*paras. 0073, 0102, and 0135; a system administrator is able to change access privilege of a user at any time using administration interface 506*).

Regarding claim 28, Hildebrand and Sekiguchi teach the graphical user interface of claim 10.

Hildebrand further teaches current privileges the user has for the resource (*paras. 0013-0016*);

Sekiguchi further teaches wherein graphical representations of users are sorted by one or more of the following attributes:

the time of the most recent access by the user (*col. 5, lines 14-55; the security management unit 112 executes statistical process of the access log 201 to obtain security management information 203 which includes the most recent access to the document*); and the time of the most recent write access by the user (*col. 5, lines 14-55*).

8. **Claims 12, 29-32, 40, and 42 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Hildebrand, Sekiguchi, and further in view of Hayes Jr. ("Hayes" US 6,205,476).

Regarding claim 12, Hildebrand and Sekiguchi teach the graphical user interface of claim 10, but do not explicitly disclose a display region for a normal size, legibly scaled, unabridged representation of the content of the resource, wherein the display region for representation of the set of users and the display region for representation of the resource appear to the operator as an integrated graphical user interface.

However, Hayes teaches a system with a network interconnecting a server and a plurality of user stations wherein a display region for a normal size, legibly scaled, unabridged representation of the content of the resource (*Figs. 13-22; showing one or more display regions; such as a content of resource is displayed on the left panel*), wherein the display region for representation of the set of users and the display region for representation of the resource appear to the operator as an integrated graphical user interface (*col. 18, lines 34-55; Fig. 15; the content of the resource is displayed on the left side pane and the applet permissions 1518; col. 20, lines 37-64; ; Fig. 20-23; the information will be displayed on the right panel of the IBM window and the administrator can create new users and modify and delete existing users, as already discussed, without being in the context of a group or subgroup*).

Therefore, it would have been obvious to an artisan at the time invention was made to combine the teachings of Hayes with the graphical user interface of Hildebrand and Sekiguchi in order to provide users with means for allowing an administrator to configure a user application by running the application directly in the context of a user or user group, rather than in the context of the administrator and allowing administrators to configure an end user application directly by effectively running the end user application while posing as a user or as a user group. (*col. 4, lines 25-28 and lines 53-55*).

Regarding claim 29, Hildebrand and Sekiguchi teach the graphical user interface of claim 10, but do not explicitly disclose a user is graphically represented by a display element comprising, at least in part, a likeness of the user.

However, Hayes teaches a system with a network interconnecting a server and a plurality of user stations wherein a user is graphically represented by a display element comprising, at least in part, a likeness of the user (*col. 14, lines 10-31; Fig. 8; a desktop object uses the applet information to build a folder for the applets and to generate a window displaying the icons and the user friendly name for each applet to which the user has access; Figs. 12-24*).

Therefore, it would have been obvious to an artisan at the time invention was made to combine the teachings of Hayes with the graphical user interface of Hildebrand and Sekiguchi in order to provide users with means for allowing an administrator to configure a user application by running the application directly in the context of a user or user group, rather than in the context of the administrator and allowing administrators to configure an end user application directly by effectively running the end user application while posing as a user or as a user group. (*col. 4, lines 25-28 and lines 53-55*).

Regarding claim 30, Hildebrand, Sekiguchi and Hayes teach the graphical user interface of claim 12.

Hildebrand further teaches the set of individual users consists of: the set of users who have any access privilege at all for the resource (*para. 0135; Fig. 5B.1; user A has all access permissions, user B has only open and print permissions, and users in user group C have open, edit, write, and download permissions for the document*); and the set of users who have accessed the resource in the past although they currently are without any access privilege for the resource

(paras. 0073, 0102, and 0135; a system administrator is able to change access privilege of a user at any time using administration interface 506).

Regarding claim 31, Hildebrand, Sekiguchi, and Hayes teach the graphical user interface of claim 12.

Sekiguchi further teaches wherein graphical representations of users are sorted by one or more of the following attributes: the time of the most recent access by the user (*col. 5, lines 14-55; the security management unit 112 executes statistical process of the access log 201 to obtain security management information 203 which includes the most recent access to the document*);

the time of the most recent write access by the user (*col. 5, lines 14-55*); and

Hildebrand further teaches current privileges the user has for the resource (*paras. 0013-0016*);

Regarding claim 32, Hildebrand, Sekiguchi and Hayes teach the graphical user interface of claim 12, but do not explicitly disclose a user is graphically represented by a display element comprising, at least in part, a likeness of the user.

Hayes further teaches a system with a network interconnecting a server and a plurality of user stations wherein a user is graphically represented by a display element comprising, at least in part, a likeness of the user (*col. 14, lines 10-31; Fig. 8; a desktop object uses the applet information to build a folder for the applets and to generate a window displaying the icons and the user friendly name for each applet to which the user has access; Figs. 12-24*).

Regarding claim 40, Hildebrand, Sekiguchi, Hayes teach the graphical user interface of claim 30, but do not explicitly disclose a user is graphically represented by a display element comprising, at least in part, a likeness of the user.

Hayes further teaches a system with a network interconnecting a server and a plurality of user stations wherein a user is graphically represented by a display element comprising, at least in part, a likeness of the user (*col. 14, lines 10-31; Fig. 8; a desktop object uses the applet information to build a folder for the applets and to generate a window displaying the icons and the user friendly name for each applet to which the user has access; Figs. 12-24*).

Regarding claim 42, Hildebrand, Sekiguchi, and Hayes teach the graphical user interface of claim 31.

Hayes further teaches wherein a user is graphically represented by a display element comprising, at least in part, a likeness of the user (*col. 14, lines 10-31; Fig. 8; a desktop object uses the applet information to build a folder for the applets and to generate a window displaying the icons and the user friendly name for each applet to which the user has access; Figs. 12-24*).

9. **Claims 33-34 are rejected under 35 U.S.C. 103(a)** as being unpatentable over Hayes Jr. ("Hayes" US 6,205,476) in view of Hildebrand et al., ("Hildebrand", US 2004/0103202)

Regarding claim 33, Hayes teaches the graphical user interface of claim 8, but does not explicitly disclose the set further comprises access control settings macros and the operator can

designate indicia for macros and visually associate the designated indicia with the second display region to change the structured data which defines the access control settings for the resource.

However, Hildebrand teaches method for providing distributed access control to secured items wherein the set further comprises access control settings macros and the operator can designate indicia for macros and visually associate the designated indicia with the second display region to change the structured data which defines the access control settings for the resource (*paras. 0108 and 0135; Figs. 2D and 5B.1; system administrator is able to define user group as well as add/delete users into access list 276 using GUI 275*).

Therefore, it would have been obvious to an artisan at the time invention was made to combine the teachings of Hildebrand with the graphical user interface of Hayes in order to provide users with means for protecting data in an enterprise environment, and more particularly, relates processes, systems, architectures and software products for providing pervasive security to digital assets at all times (*para. 0003*).

Regarding claim 34, Hayes and Hildebrand teach the graphical user interface of claim 33.

Hayes further teaches wherein a user is graphically represented by a display element comprising, at least in part, a likeness of the user (*col. 14, lines 10-31; Fig. 8; a desktop object uses the applet information to build a folder for the applets and to generate a window displaying the icons and the user friendly name for each applet to which the user has access; Figs. 12-24*).

10. **Claim 35 is rejected under 35 U.S.C. 103(a)** as being unpatentable over Hayes Jr.

(“Hayes” US 6,205,476) in view of Eldridge et al., (“Eldridge”, US 7,272,815)

Regarding claim 35, Hayes teaches the graphical user interface of claim 5, further comprising a first display region for a graphical representation of at least one set of known users and groups (*col. 17, lines 59-67; Fig. 13; user group 1302 and users 1304*), a second display region to change the structured data which defines the access control settings for the resource (*col. 18, lines 32-67; Figs. 15-16*), wherein

Hayes teaches all limitations as recited above, but does not explicitly teaches wherein the operator can designate indicia for known users and groups and drag and drop the designated indicia.

However, Eldridge teaches Methods and apparatus for control configuration with versioning, security wherein the operator can designate indicia for known users and groups and drag and drop the designated indicia (*col. 7, lines 51-67 to col. 8, lines 1-26; a drag-and-drop whereby an icon depicting the second object is graphically dragged and dropped onto an icon depicting the first object*).

Therefore, it would have been obvious to an artisan at the time invention was made to combine the teachings of Eldridge with the graphical user interface of Hayes in order to provide users with means for controlling a level hierarchy and configuring the control system (*col. 7, lines 50-55*).

11. **Claim 41 rejected under 35 U.S.C. 103(a)** as being unpatentable over Hildebrand, Sekiguchi, Hayes, and further in view of Steinberg (US 2002/0141639)..

Regarding claim 41, Hildebrand, Sekiguchi, and Hayes disclose all limitations as recited in claim 40, but do not explicitly disclose the likeness comprises, at least in part, a digital photograph, processed by a method including at least one step selected from the set of: adjusting image color saturation toward a predetermined target saturation level; converting to grayscale; adjusting image brightness toward a predetermined target brightness level; adjusting image contrast toward a predetermined target contrast level; adjusting image sharpness toward a predetermined target sharpness level; and masking with a shape selected from a set comprising ovals and outlines of a bust.

However, Steinberg teaches a method for automated image correction for digital image acquisition wherein the likeness comprises, at least in part, a digital photograph, processed by a method including at least one step selected from the set of (*para. 0001; method for transforming the colors in a digital image to a color corrected digital image*):

adjusting image color saturation toward a predetermined target saturation level (*para. 0004; paras. 0015-0016*); converting to grayscale (*para. 0011*);

adjusting image brightness toward a predetermined target brightness level; adjusting image contrast toward a predetermined target contrast level (*paras. 0012-0014*);

adjusting image sharpness toward a predetermined target sharpness level (*para. 0031*); and masking with a shape selected from a set comprising ovals and outlines of a bust (*para. 0044*).

Therefore, it would have been obvious to an artisan at the time invention were made to combine the teachings of Steinberg with the method of Hildebrand, Sekiguchi, and Hayes in

order to provide automated color correction for differenced between the reference colors in a color chart and adjust for brightness and optimum contrast (*para. 0014*).

Response to Arguments

12. Applicant's arguments with respect to claim 1-3, 10, and 12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh K. Pham whose telephone number is (571) 270-3230. The examiner can normally be reached on Monday to Thursday from 7:30AM to 5:00PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/SY D. LUU/
Primary Examiner, Art Unit 2174

June 28, 2008
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